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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,477	05/23/2001	Victor I. Sheymov	741946-21	8949

22204 7590 10/11/2006

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EXAMINER

JUNG, DAVID YIUK

ART UNIT PAPER NUMBER

2134

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,477

Applicant(s)

SHEYMOV ET AL.

Examiner

David Y. Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 and 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11, 24-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-11, 24-46 are presented.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US Patent 5579376, cited by Applicant).

In regard to claim 1, Kennedy teaches ""A system for preventing unauthorized communications, the system comprising: a static mobile ... identifier that uniquely identifies a communications device; and a plurality of updateable identifiers associated with the static mobile ... identifier, wherein the updateable identifiers and the static mobile ... identifier are used in communications with the communications device, and the updateable identifiers are updated with each call based on the static mobile ... identifier, at a periodic time interval, and/or upon an occurrence of a triggering event, in order to prevent unauthorized communications with the

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communications device (column 1, lines 64-33, i.e. the mobile identification number and the various ways that this "MIN" is used to defeat roamer fraud)."

Applicant, in his responses, such as at 1/28/2005 has already stated that Kennedy (which Applicant cited in his own filing) teaches all but the "static mobile unit identifier" and the associated "updateable identifiers." Afterwards, Applicant explained the meaning of the terms in his responses to restrictions. In these Applicant's responses, Applicant has explicitly pointed out to passages of Applicant's filings. See Applicant's responses (e.g., 4/7/2006).

Kennedy teaches mobile identification number. This identifies. Kennedy also teaches use of telephone numbers. This is updateable. Indeed, users often update telephone numbers and even change them. Thus, Kennedy teaches "static mobile unit identifier" and the associated "updateable identifiers."

These passages of Kennedy are not explicit regarding "unit" identifier. Nevertheless, it was well known in the art to treat a mobile device as a single unit for the motivations of easier manufacturing and of easier identification.

It would have been obvious to those of ordinary skill in the art, at the time of the claimed invention to modify Kennedy so as to teach the claimed invention for the motivation stated in the previous sentences.

Regarding claims 2 (correlation of identifiers, etc.), such features are well known in the art for the motivation of security. For example, note the matching of network planning area number (NPA) and the pseudo NXX number of Kennedy in the cited passages. Regarding claim 4 (updating of number, etc.), such features are well known

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in the art for the motivation of effective security (by changing and identifiers, the identification data becomes more secure and more easily be identified). Regarding claims 6-11 (various systems of communications, etc.), such features are well known in the art for the motivations of wide applicability and of security. Regarding claims 24-25 (telephone numbers, etc.) 26-28 (use of next number identification, etc.), such features are well known in the art for the motivations of wide applicability in telecommunications.

Claims 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy (US Patent 5579376, cited by Applicant) and "Cloning", (www.isaacc.cs.berkeley.edu/isaac/gsm-faq.html, a reprint of 1998 article, cited by Applicant).

Kennedy teaches as noted in the previous sections.

Regarding claim 3, Kennedy does not teach detecting "unauthorized" communication, etc.. Kennedy does not teach such particular authentication.

Cloning teaches such authentication (Background section, i.e. the discussion on authentication and cryptography), and hence teaches such detecting of "unauthorized" communication.

Furthermore, it is well known in the art to detect unauthorized communication for the motivation of security.

It would have been obvious to those of ordinary skill in the art, at the time of the claimed invention to combine Kennedy and Cloning so as to teach the claimed invention for the motivation stated in the previous sentences.

Regarding claim 5, Kennedy does not teach "cryptography", etc. Kennedy does not teach such particular cryptography.

Cloning teaches such authentication (Background section, i.e. the discussion on authentication and cryptography), and hence teaches such "cryptography." At least the communication between the service provider and the user is encrypted.

Furthermore, it is well known in the art to have cryptography for the motivation of security.

It would have been obvious to those of ordinary skill in the art, at the time of the claimed invention to combine Kennedy and Cloning so as to teach the claimed invention for the motivation stated in the previous sentences.

Regarding claims 29-44, these claims are various method analogs to claims 1-11, 24-28 (system claims). For the reasons noted in the rejections of claims 1-11, 24-28, these claims are unpatentable.

Regarding claims 45-46, these claims are product and device analogs to claim 1. For the reasons noted in the rejection of claim 1, these claims are unpatentable.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

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Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

David Jung

Patent Examiner

9/26/06

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.